

FENWICK & WEST LLP

SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041
TEL 650.988.8500 FAX 650.938.5200 WWW.FENWICK.COM

August 22, 2008

KIMBERLY I. CULP

EMAIL KCULP@FENWICK.COM
DIRECT DIAL (650) 335-7138

VIA HAND DELIVERY

The Honorable Susan Illston
USDC, Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Joby Photo, Inc. v. Tocad America, Inc.*
Case No. 3:07-CV-06455 (SI)

Dear Judge Illston:

We write on behalf of both of the parties to this action, to ask that the Court enter two agreed-upon orders in this matter.

On July 25, 2008 the parties participated in a settlement conference with Magistrate Judge Chen and on that date the case settled. (See Dkt. 89.) As part of the settlement on that date, the parties agreed that a consent judgment would be entered. The parties also agreed to a dismissal with prejudice, with each party bearing its own fees and costs, and to ask that the Court retain jurisdiction for a limited period of time to enforce the settlement agreement.

Accordingly, we write to ask the Court vacate its order dismissing the case (Dkt. 91), entered on August 13, 2008, for the purpose of first entering the enclosed agreed-upon Consent Judgment. We further ask that after the Court has entered the Consent Judgment, that it then enter the proposed dismissal order contained in the enclosed Stipulation for Dismissal and Proposed Order.

The Honorable Susan Illston
August 22, 2008
Page 2

Counsel for Tocad has assented to this request.

Sincerely,

FENWICK & WEST LLP


Kimberly I. Culp

I have reviewed the above and agree to its contents:

PERKINS COIE LLP



Michael O. Warnecke

Attorneys for Defendant
TOCAD AMERICA, INC.

KIC:mg
Enclosures

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